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REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES

## Draft programme of action for the prevention of traffic in persons and the exploitation of the prostitution of others

## Report of the Secretary-General

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GE.93-85791 (E)

## Introduction

1. Having examined the various elements of the draft programme of action for the prevention of traffic in persons and the exploitation of the prostitution of others contained in the report of the Working Group on Contemporary Forms of Slavery on its sixteenth session (E/CN.4/Sub.2/1991/41, annex I), the Commission on Human Rights, in its resolution 1992/36, decided to transmit the draft programme of action to Governments, specialized agencies, intergovernmental and non-governmental organizations for their comments. The Secretary-General was requested to submit to the Commission at its forty-ninth session a report containing a summary of the comments received.

2. At its forty-ninth session, the Commission on Human Rights had before it the report of the Secretary-General (E/CN.4/1993/58 and Add.1) containing summaries of the substantive comments received from the Governments of Australia, Bahrain, Egypt, Liechtenstein, Morocco, the Philippines, the Russian Federation, Saudi Arabia, Thailand, Uruguay and Yugoslavia as well as from the Division for the Advancement of Women (United Nations Office at Vienna), the United Nations Educational, Scientific and Cultural Organization, the World Health Organization and the World Tourism Organization. Communications have also been submitted by the Commission of the European Communities, the Council of Europe, the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights, the Organization for Economic Co-operation and Development and the International Criminal Police Organization (Interpol). The following non-governmental organizations have replied: Arab Lawyers Union, All India Women's Conference, International Abolitionist Federation and the International Federation Terre des Hommes.

3. No action was taken by the Commission on Human Rights at its forty-ninth session with regard to the draft programme of action and the comments thereto.

4. At its forty-fifth session, the Sub-Commission on Prevention of Discrimination and Protection of Minorities adopted resolution 1993/5, entitled "Report of the Working Group on Contemporary Forms of Slavery". In paragraph 17, the Sub-Commission recommended that the Commission on Human Rights examine the draft programme of action for the prevention of traffic in persons and exploitation of the prostitution of others at its fiftieth session.

5. In paragraph 18 of the resolution, the Sub-Commission requested the Secretary-General to continue to seek the views of States concerning the draft programme of action for submission to the Commission at its fiftieth session.

6. On 25 October 1993, a note verbale was sent by the Secretary-General to all States inviting them, inter alia, to submit their views concerning the draft programme of action. 1/

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1/ The text of the draft programme of action is reproduced in the annex to the present document.

7. As at 1 December 1993, no replies had been received. Any replies which arrive later will be published in an addenda to the present document.

8. Comments on the draft programme of action received earlier this year from the Governments of Brunei Darussalam and Greece which, because of late submission, were not included in the report prepared by the Secretary-General for the forty-ninth session of the Commission on Human Rights, are summarized below.

## COMMENTS RECEIVED FROM GOVERNMENTS

### Brunei Darussalam

[Original: English]
[19 May 1993]

The Permanent Mission of Brunei Darussalam wishes to inform the Centre for Human Rights that the draft programme of action is acceptable to Brunei Darussalam.

With regard to paragraph 20 under the sub-title "Legal measures and law enforcement", the Permanent Mission of Brunei Darussalam also wishes to inform the Centre that provisions for the protection of women and girls and the suppression of brothels have been made in the Torture Act of 1984 (Chapter 22 of the Laws of Brunei) and the Women and Girls' Protection Act of 1984 (Chapter 120 of the Laws of Brunei). The Torture Act of 1984 also deals specifically with the issue of the distribution of obscene articles.

### Greece

[Original: English]
[22 February 1993]

The comments of the Ministry of Public Order on the draft programme of action for the prevention of traffic in persons and the exploitation of the prostitution of others are as follows:

1. No cases of traffic in persons have been observed in Greece like the one provided for in article 323 of the Penal Code under the title "Slave Trade"; similarly, no cases of abduction of children with a view to transplanting their organs have been ascertained.

2. Also, no cases of an organized form of exploitation of prostitution of others have been observed in Greece, either on a national or on an international level.

3. The existing legal framework embodied in Chapters 18 and 19, articles 322 through 335 and 336 through 353, relating to "crimes against sexual freedom" and "crimes of economic exploitation of sexual life", is considered sufficient enough to act as a deterrent to acts of traffic and exploitation of prostitution of others; moreover, the legal framework (L.5060/1931) is deemed equally adequate for the qualification of pornographic material featuring women and children as obscene and for their protection from such material.

4. In conclusion, by dint of Statute of the 1975 (Official Gazette sheet A', 184/4 Dec, 1991) the stipulations concerning aliens, immigration etc. have been kept in line with the new international conditions.

5. As far as the Ministry is concerned, it is participating in all meetings and congresses organized by INTERPOL and cooperating, on a bilateral level, with all interested countries in exchanging information and experience when facing each individual case.

ANNEX

Draft programme of action for prevention of traffic in persons and the exploitation of the prostitution of others

Introductory remarks

1. It is noted with concern that the traffic in persons and the exploitation of the prostitution of others remain rife in various parts of the world. These phenomena are acquiring new forms and are being pursued on an industrial scale to a dangerous extent; hence the need for the development of a political and social will to combat them.

2. The preamble to the Convention of 2 December 1949 for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others lays down that these phenomena are incompatible with the dignity and worth of the human person and endanger the welfare of the individual, the family and the community.

3. These ancient scourges are being transformed into sordid internationl businesses, making unprecedented use of advertising, modern techniques and the promotion of tourism for purposes of sexual exploitation. Above all these businesses exploit the poverty of the deprived countries; yet first and foremost they have their origin, and the greatest demand arises, in the developed countries.

4. Existing legal instruments should be made more effective, while ensuring greater awareness at the national and international level of the fact that the traffic in persons and the exploitation of the prostitution of others detract directly from human dignity and the human condition.

5. With this in mind, serious and intensive efforts must be made in the fields of education and prevention, to create awareness of the dangers posed for humanity by the traffic in persons and the exploitation of prostitution.

6. It is also essential to encourage activities for the provision of assistance to the victims of prostitution and the traffic in persons and to expedite the application of legal instruments; there is a further need to foster the protection of victims and punish those responsible for such traffic, in the national, regional and international framework, where necessary by adapting such instruments to the requirements to which these scourges give rise.

A. General

7. To prevent trafficking in persons and exploitation of the prostitution of others, concerted measures are called for at the national, regional and international levels, including information, education, economical and technical assistance and rehabilitation, legislative measures and a strengthening of law enforcement in this field. Coordinating agencies should be appointed or established at the national, regional and international levels.

8. At the global level, coordination of the programme of action should be carried out by the Centre for Human Rights in cooperation with other sections of the United Nations Secretariat including the Centre for Social Development and Humanitarian Affairs, in particular the Division for the Advancement of Women, and the Division of Crime Prevention and Criminal Justice, and with concerned intergovernmental agencies, in particular UNHCR, UNICEF, ILO, UNESCO and WHO. Cooperation should also be strengthened with INTERPOL.

Information and education

9. An urgent international information campaign to raise public awareness of these abuses should form part of the programme. Governmental and non-governmental organizations should be encouraged to participate. The media should also be called upon in order to help break the silence surrounding these issues, while avoiding sensationalism. Law enforcement agencies should be given a significant role in this campaign.

10. In order to improve the quality and the availability of information, studies and investigations of these abuses should be undertaken by public and private institutions. The outcome, wherever possible, should be made public and exchanged between governmental and non-governmental organizations at the national, regional and international level.

11. Governments and UNESCO should be invited to draw up programmes for use in schools and by the media concerning the image of women in society, and to develop policies for promoting equality between men and women.

12. In order to provide a focus for the campaign, a world day for the abolition of contemporary forms of slavery should be proclaimed. It would be important to celebrate this world day on 2 December, the anniversary of the adoption of the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others.

13. Special educational measures should be articulated and adopted, on the basis of universally accepted ethical principles relating to human dignity, and directed at both the general public and at specific groups. Emphasis should be placed on the damaging effects these abuses have on the victims, on ways to assist victims, in particular children, and on ways in which the abuses can be prevented, discovered and exposed.

14. Social workers, health workers and members of law enforcement agencies and of the judiciary should also receive education on the occurrence of such abuses and the ways in which they can be prevented and combated.

15. The number of women among the State personnel having direct contact with the victims of these abuses should be increased.

16. Moral educational and civic training, in and out of school, should be given, with the aim of preventing prostitution.

Social measures, development assistance

17. It is recognized that the onset of these abuses is often linked to poverty, and that long-range structural reforms in the social, cultural and economic fields will be required for their prevention. Development activities of the United Nations and other international and national agencies should have a substantive and positive impact on women and, in particular, on children. Priority should be given to policies aimed at improving the social and economic conditions of women in general and of the poorest women in particular. Local community projects, including collective self-help projects among vulnerable women and children, should also be encouraged.

18. For many countries, the application of local, national and regional programmes to benefit women and children who are victims of the traffic in persons requires substantial international assistance and calls for a greater commitment on the part of the international community, either through specific projects or through development assistance.

19. Plans for development and assistance, especially those aimed at developing countries, must take into account the needs of women who are victims of the traffic in persons and of sexual exploitation. Governments and non-governmental organizations must be encouraged to undertake activities for the protection of women who are victims of the traffic in persons or the exploitation of the prostitution of others, particularly women from other countries and children.

Legal measures and law enforcement

20. Legislation aimed at protecting women and children against trafficking and sexual exploitation should be improved and more effectively enforced. Prosecution policies should be developed. Treatment and support systems should focus more on victims of such abuses. Legal aid should be easily available to victims. Methods should be devised to secure testimony from women and children who have been the victims of such abuses without further traumatizing them, and to ensure the protection of witnesses.

21. Traffic in persons and the exploitation of the prostitution of others are serious crimes and must be treated as such. More severe penalties should be imposed on procurers, intermediaries and accomplices.

22. Effective legislation and enforcement measures must also be directed against middlemen, agents, dealers, brothel-owners and others, who encourage and make a profit from traffic in persons and sexual exploitation of women and children. The proceeds from such activities must be confiscated, those responsible prosecuted and measures taken to prevent the laundering of the money thus obtained.

Rehabilitation and reintegration

23. Programmes for rehabilitation and reintegration with an interdisciplinary approach should be established to assist women and children who have been

victims of trafficking and sexual exploitation, and their families. Agenciesimplementing such programmes, whether public or non-governmental, should be given the necessary support and funding.

24. These programmes should aim at eliminating discrimination that ostracizes prostitutes and makes their reabsorption into society more difficult, and facilitating vocational training and the social reintegration of persons saved from prostitution.

International coordination

25. Bilateral and multilateral cooperation among law enforcement agencies is essential. States should establish their own data bases, improve their reporting at all levels, and report to INTERPOL to allow the establishment of a special data bank on suspects involved in cases of abuses across borders. The experience gained in international police cooperation in combating drug trafficking should be made use of to prevent international trafficking in persons and sexual exploitation of women and men.

## B. Traffic in persons

26. States should be encouraged to adopt effective legal and administrative measures against the traffic in persons, whatever form it might take. There is also a need to strengthen existing laws or to adopt new laws to punish traffickers and all those who knowingly participate in the traffic in persons, and particularly the traffic in children with a view to organ transplantation.

27. Measures should be taken to ensure that the traffic in persons, particularly women and children, is not effected by means of bogus marriages, clandestine employment and immigration, domestic labour or false adoptions.

28. States should urgently adopt effective measures at the national level and through international cooperation to recover persons who have fallen victim to the traffic in persons, in order to protect them and facilitate their return to their own countries and their reintegration into society.

29. The competent United Nations bodies, including the Office of the High Commissioner for Refugees, should pay due attention, in their fields of activity, to protecting persons who are victims of the traffic in persons and the exploitation of others.

## C. Exploitation of the prostitution of others

30. Legislative and other measures should be taken to prevent sex tourism and penalize those who organize it. Such measures should be adopted and implemented in both the countries from which the customers come (most often industrialized countries) and the countries to which they go (often developing countries). Using the enticement of sex with women and children to market tourism should be penalized on the same level as procurement.

31. The World Tourist Organization should be invited to convene, as a matter of priority, a meeting on ways in which to prevent such practices.

32. States having military bases or troops on foreign territory, as well as host States, should take all the necessary measures to prevent their military personnel from becoming involved in the exploitation of prostitution, and in particular, child prostitution. The same applies to other public servants posted abroad for professional reasons.

33. Legislation should be adopted to prevent new forms of technology from being used for promoting and encouraging prostitution.

34. States which have not yet done so are urged to enact legislation making it a crime to produce and distribute pornographic material involving women and children.

35. States should prohibit the insertion or transmission in letter-post items or parcels of obscene, immoral or pornographic articles involving children. Customs services should be authorized to detect and prevent the transmission of such articles and materials.

36. States should be encouraged to protect persons, in particular children, from exposure to pornography through suitable legislation and appropriate measures of control.

## D. Regulation and international action

37. The States parties to the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others should take all necessary steps to ensure its implementation. They should be encouraged to transmit reports on the implementation of the Convention regularly to the Secretary-General. States which are not yet party to the 1949 Convention should examine the possibility of acceding to it.

38. All States should take the necessary steps to implement the standards and principles that prohibit and punish the traffic in persons and the exploitation of the prostitution of others.

39. The competent United Nations bodies should examine the problems involved in the application of the standards and principles relating to the traffic in persons and the exploitation of the prostitution of others. To that end, a seminar should be organized by the Centre for Human Rights, with the participation of experts from various parts of the world, intergovernmental organizations (WHO, UNESCO, INTERPOL, ILO, UPU and ITU) and non-governmental organizations, as well as United Nations bodies such as UNICEF and the Vienna Centre for Social Development and Humanitarian Affairs, the Division For the Advancement of Women and the Crime Prevention and Criminal Justice Branch.

40. The Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child, as well as other bodies established under human rights treaties, should be invited, when they examine reports submitted by States parties, to pay all due attention to the elimination and suppression of the traffic in persons and the exploitation of the prostitution of others.

41. The Centre for Human Rights should be designated by the Secretary-General as the focal point for the coordination of activities in the United Nations for the suppression of contemporary forms of slavery.

42. Non-governmental organizations have a most valuable contribution to make to these efforts. They could work together, organize national and international campaigns and meetings and play a more active part in the work of all United Nations bodies examining issues related to the traffic in persons and the exploitation of others.

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